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## NOTICE OF ALLOWANCE AND FEE(S) DUE

32294 7590 12/30/2008

SQUIRE, SANDERS & DEMPSEY L.L.P.  
8000 TOWERS CRESCENT DRIVE  
14TH FLOOR  
VIENNA, VA 22182-6212

EXAMINER

MOORE JR, MICHAEL J

ART UNIT

PAPER NUMBER

2419

DATE MAILED: 12/30/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/709,532

11/13/2000

Michael J. Bowes

108339-09057

4435

TITLE OF INVENTION: HIGH SPEED FLOW CONTROL METHODOLOGY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	03/30/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

32294 7590 12/30/2008

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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/709,532 11/13/2000 Michael J. Bowes 108339-09057 4435

TITLE OF INVENTION: HIGH SPEED FLOW CONTROL METHODOLOGY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$0 \$0 \$1510 03/30/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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MOORE JR, MICHAEL J 2419 370-230000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

MOORE JR, MICHAEL J

ART UNIT

PAPER NUMBER

2419

DATE MAILED: 12/30/2008

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1426 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1426 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/709,532	BOWES, MICHAEL J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL J. MOORE, JR.	2419	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed with Request for Continued Examination filed 10/14/08.
2. ☒ The allowed claim(s) is/are 1,2,4-29 and 31-38 (renumbered 1-36, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                            |                                                                                       |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|                                                                                                            | 9. <input type="checkbox"/> Other ____.                                               |

/Michael J. Moore, Jr./  
Examiner, Art Unit 2419

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/14/08 has been entered.

***Allowable Subject Matter***

2. Claims **1, 2, 4-29, and 31-38** (*renumbered 1-36, respectively*) are allowed.
3. The following is an examiner's statement of reasons for allowance:

Regarding claim **1**, *Beuk et al. (U.S. 5,774,673) (hereinafter "Beuk")* teaches the activation message 500 sent by apparatus 100 (first station) to apparatus 101 (second station) of Figure 2.

*Beuk* also teaches the verification whether a message has been received correctly by message receiving means 210 of Figure 2 as described in column 13, lines 24-25.

*Beuk* also teaches the acknowledgement frame 502 sent from apparatus 101 (second station) to apparatus 100 (first station) of Figure 2.

*Beuk* also teaches the acknowledgement frame comparison spoken of in column 4, lines 38-48.

*Beuk* also teaches the TYPE fields (control bit string) shown in the frames of Figure 3 and spoken of on column 12, lines 36-43, the channel fields (identification bit string) shown in frames 630 and 640 of Figure 3 and spoken of on column 11, line 66 – column 12, line 2, and the parity bits comprised in a message frame shown in the frames of Figure 3 and spoken of in column 13, lines 25-30 as well as the one bit ACK field (parity bit) in the acknowledgement frames 620 and 640 of Figure 3.

*Beuk* also teaches the TYPE fields shown in Figure 3 and spoken of on column 12, lines 36-43 that are used to distinguish between an acknowledgement frame (control) and a message frame (data).

*Beuk* also teaches the channel field (identification bit string) shown in group frame 630 (packet request message) of Figure 3 that is copied (correlates) to the channel field of acknowledgment frame 640 (request acknowledgement message) of Figure 3 and that is used to filter acknowledgement messages as spoken of on column 4, lines 38-48 and column 12, lines 19-28.

As asserted by Applicant in Applicant's Appeal Brief filed 12/13/06 and decided upon by the Board of Patent Appeals and Interferences, *Beuk* fails to teach “generating a request non-payload bit string corresponding to a pre-programmed packet request register” in combination with the other limitations of claim 1.

Regarding claims **2, 4-13, 33, and 34**, these claims are further limiting to claim 1 and are thus also allowable over the prior art of record.

Regarding *amended* claim **14**, *Beuk* teaches the activation message 500 sent by apparatus 100 (first station) to apparatus 101 (second station) of Figure 2.

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*Beuk* also teaches the channel field (first identification number) of frame 630 of Figure 3, TYPE field (first control code group) of frame 630 of Figure 3, and the parity bits comprised in a message frame spoken of in column 13, lines 25-30 and shown in Figure 3.

*Beuk* also teaches storage means 300, which stores channel associated applications as stated in column 12, lines 60-64.

*Beuk* also teaches the acknowledgement frame 502 sent from apparatus 101 (second station) to apparatus 100 (first station) of Figure 2.

*Beuk* also teaches the channel field (second identification number) of frame 640 of Figure 3, TYPE field (second control group) of frame 640 shown in Figure 3, and the ACK field (parity field) in the acknowledgement frame 640 of Figure 3.

*Beuk* also teaches the distinguishing between an acknowledgement frame and a message frame using the TYPE field (control code group) as spoken of on column 12, lines 36-43.

*Beuk* also teaches the channel field comparison spoken of in column 4, lines 43-47.

*Beuk* also teaches the checking of whether the parity matches parity bits comprised in the message frame (first parity parameter) as described in column 13, lines 25-30 as well as the ACK field (second parity parameter) in the acknowledgement frames 620 and 640 of Figure 3 as well as on column 11, lines 55-58, that is used to indicate whether a message has been received correctly.

*Beuk* also teaches the TYPE fields (control groups) shown in Figure 3 and spoken of on column 12, lines 36-43 that are used to distinguish between an acknowledgement frame (control) and a message frame (data).

*Beuk* also teaches the channel field (first identification number) shown in group frame 630 (packet request message) of Figure 3 that is copied (correlates) to the channel field (second identification number) of acknowledgment frame 640 (request acknowledgement message) of Figure 3 and that is used to filter acknowledgement messages as spoken of on column 4, lines 38-48 and column 12, lines 19-28.

*Beuk* as well as the other prior art of record fails to teach the added limitation “generating a request non-payload bit string corresponding to a pre-programmed packet request register” in combination with the other limitations of claim **14**.

Regarding claims **15-27, 35, and 36**, these claims are further limiting to claim **14** and are thus also allowable over the prior art of record.

Regarding *amended* claim **28**, *Beuk* teaches the activation message 500 sent by message sending means 200 (first transmitting unit) from apparatus 100 (first station) to apparatus 101 (second station) of Figure 2.

*Beuk* also teaches the channel field (first identification number) of frame 630 of Figure 3, the TYPE field (first control code group) of frame 630 of Figure 3, and the parity bits comprised in a message frame spoken of in column 13, lines 25-30 and shown in Figure 3.

*Beuk* also teaches storage means 300, which stores channel associated applications as stated in column 12, lines 60-64.



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*Beuk* also teaches the acknowledgement frame 502 sent by acknowledgement sending means (second transmitting unit) 220 from apparatus 101 (second station) to apparatus 100 (first station) of Figure 2.

*Beuk* also teaches the channel field (second identification number) of frame 640 of Figure 3, TYPE field (second control group) of frame 640 of Figure 3, and the ACK field (parity field) in the acknowledgement frames 620 and 640 of Figure 3.

*Beuk* also teaches the distinguishing between an acknowledgement frame and a message frame in apparatus 101 (flow logic control module) of Figure 2 using the TYPE field (control group) as spoken of on column 12, lines 36-43.

*Beuk* also teaches the channel field comparison spoken of in column 4, lines 43-47.

*Beuk* also teaches the checking of whether the parity matches parity bits comprised in the message frame (first parity parameter) as described in column 13, lines 25-30 as well as the ACK field (second parity parameter) in the acknowledgement frames 620 and 640 of Figure 3 as well as on column 11, lines 55-58, that is used to indicate whether a message has been received correctly.

*Beuk* also teaches the TYPE fields (control groups) shown in Figure 3 and spoken of on column 12, lines 36-43 that are used to distinguish between an acknowledgement frame (control) and a message frame (data).

*Beuk* also teaches the channel field (first identification number) shown in group frame 630 (packet request message) of Figure 3 that is copied (correlates) to the channel field (second identification number) of acknowledgment frame 640 (request

Art Unit: 2419

acknowledgement message) of Figure 3 and that is used to filter acknowledgement messages as spoken of on column 4, lines 38-48 and column 12, lines 19-28.

*Beuk* as well as the other prior art of record fails to teach the added limitation “generate the packet request message, the packet request message comprising a request non-payload bit string corresponding to a pre-programmed packet request register” in combination with the other limitations of claim **28**.

Regarding claims **29, 31, 32, 37, and 38**, these claims are further limiting to claim **28** and are thus also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. MOORE, JR., whose telephone number is (571)272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti K. Patel can be reached at (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2419

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Moore, Jr./  
Examiner, Art Unit 2419